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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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Thomas M. Gray, M.S., DABT
API Technical Manager, Petroleum HPV Testing Group
The American Petroleum Institute
1220 L Street, N.W.
Washington, DC 20005

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dear Mr. Gray:

Thank you for the letter of May 4, 2005, from the American Petroleum Institute (API) to the Administrator, U. S. Environmental Protection Agency (EPA), regarding EPA's High Production Volume (HPV) Challenge Program.

Your company's letter advises EPA of the dissolution of the "phenolics" subcategory associated with the API Petroleum HPV Testing Group's Reclaimed Substances category. It further advises that the Petroleum HPV Testing Group is withdrawing its sponsorship of Phenols, (petroleum), or Crude phenolic compounds (petroleum), (CAS No. 64743-03-9) because this chemical is no longer manufactured by any Testing Group member. The group also requests that this substance be removed from the HPV Challenge Program due to this manufacturing change. Finally, within the Reclaimed Substances category, the group indicates that the Testing Group has transferred sponsorship of Phenols, sodium salts, mixed with sulphur comp.; gasoline alkyl scrubber residues (CAS No. 68988-99-8) from the phenolics subcategory to the acids/caustics subcategory.

This Agency response is intended to address API's request for removal of Phenols, (petroleum) (CAS No. 64743-03-9) from the scope of the HPV Challenge Program. It is our understanding from your company's letter that the issue regarding the transfer of Phenols, sodium salts, mixed with sulphur comp.; gasoline alkyl scrubber residues (CAS No. 68988-99-8) from the phenolics subcategory of the Reclaimed Substances category to the acids/caustics subcategory will be addressed in separate correspondence.

EPA will post API's letter on the ChemRTK website to inform the public that Phenols, (petroleum) (CAS No. 64743-03-9) is no longer manufactured by any members of the Petroleum HPV Testing Group and that the Testing Group is therefore withdrawing its sponsorship of this substance. Pertaining to the request that EPA designate Phenols, (petroleum) as a "no longer HPV" chemical, the Agency posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its Chemical Right-to-Know (ChemRTK) website (www.epa.gov/chemrtk) in March 1999. Among the prerequisites considered for removing a chemical from the Program is that the chemical does not meet Inventory Update Rule (IUR) reporting requirements for the two most recent reporting

years (i.e., 1998 and 2002). Based on our review of IUR reporting data for those years, EPA has determined that CAS No. 64743-03-9 **does not meet** the no longer HPV criteria. Although your group members may not currently manufacture this chemical, companies did report the chemical in HPV volume in the 1998 reporting period. Therefore, this substance will remain on the HPV Chemicals List, and its status will be changed to an unsponsored or "orphan" chemical. Please note, however, provided Petroleum HPV Testing Group members did not report CAS No. 64743-03-9 to the IUR in 1998 (i.e., did not manufacture or import the chemical), they would not have responsibility for Phenols, (petroleum) under the HPV Challenge Program.

We will post API's letter, accompanied by our reply, on the ChemRTK website as soon as possible. Should you have any questions pertaining to this response, please contact Diane Sheridan at (202) 564-8176. If you have general questions concerning the HPV Challenge Program, please submit them through the ChemRTK website comment button or through the TSCA Assistance Information Service (TSCA Hotline) at (202) 554-1404. The TSCA Hotline can also be reached via email at tsca-hotline@epa.gov.

Sincerely,

Jim Willis, Director
Chemical Control Division

cc: AR-201